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substantial advantage over other shippers. (See 26 HARV. L. REV. 82 for discussion of the same case in the lower court.) The case goes further, however, and contains language casting doubt upon the hitherto well-established doctrine that the mere fact that credit is extended to some shippers and refused others is not sufficient to constitute a discrimination. *Little Rock & Memphis R. Co. v. St. Louis & S. W. R. Co.*, 63 Fed. 775; *Gamble-Robinson Com. Co. v. Chicago & N. W. R. Co.*, 168 Fed. 161. See cases collected in notes, 21 L. R. A. N. S. 982, and 16 Anno. Cas. 613, 621. These cases were distinguished by the principal case on the ground that they were decided under the Interstate Commerce Act forbidding "unjust and unreasonable" discrimination, whereas this case arose under the Elkins Act from which the qualifying words were omitted. In order to support this case it would seem unnecessary to distinguish those cases, for here the advantage given the particular shipper was clearly unjust and unreasonable, since the carrier is practically furnishing capital to the favored shipper. Moreover it is submitted that even if the earlier cases had arisen under the Elkins Act, the result would have been the same, since the legal content of the term "discrimination" must include the elements of injustice or unreasonableness. On the one hand, it would create unnecessary inconvenience to shippers always to require payment in advance. On the other hand, it would be unfair and probably unconstitutional to require a railroad to give credit to all. *Attorney General v. Old Colony R.*, 160 Mass. 62, 35 N. E. 252. This latter objection, however, might perhaps be answered by requiring credit to be extended to all shippers furnishing a satisfactory bond. But this too affords ground for some discrimination. Therefore it is submitted that in the matter of extending credit, considerable freedom should be permitted the railroad and that only where, as in the principal case, there is a clear abuse, should a discrimination be declared.

**CARRIERS — LIMITATION OF LIABILITY — EFFECT OF FILING THE TERMS OF LIMITATION WITH THE INTERSTATE COMMERCE COMMISSION.**—The plaintiff at the start of an interstate journey checked her baggage without declaring its value. The defendant railroad had filed with the Interstate Commerce Commission a statement that its liability on baggage would be limited to one hundred dollars unless a greater value was declared by the shipper and excess charges paid. The trial judge found that the plaintiff had no notice of this regulation, and no inquiry was made by the railroad as to the value of the baggage. *Held*, that the plaintiff could recover only the limited amount. *Boston & Maine Railroad v. Hooker*, 34 Sup. Ct. 526.

For a discussion of the principles involved in this case see Page 737 of this issue of the REVIEW.

**CARRIERS — PASSENGERS: EJECTION OF PASSENGERS — FAILURE TO PRODUCE TICKET CAUSED BY FAULT OF CARRIER.**—A passenger on the defendant railroad, gave up his entire ticket to a uniformed employee on the first half of the journey, and was ejected by the conductor in charge of the second half for his consequent failure to produce the coupon when demanded. The passenger now sues for damages for the ejection. *Held*, that he can recover if his ticket was surrendered to an authorized agent, but cannot if the agent lacked authority to receive tickets. *Galveston, H. & S. A. Ry. Co. v. Short*, 163 S. W. 601 (Tex. Civ. App.).

If a passenger has lost his ticket he can be expelled. *Downs v. New York & N. H. R. Co.*, 36 Conn. 287. But if the coupon for the last half of the journey has been collected prematurely, there is a conflict of authority as to whether the passenger can be ejected by the conductor in charge during the final stage. Some states hold that he cannot be ejected. *Philadelphia, W. & B. R. Co. v. Rice*, 64 Md. 63, 21 Atl. 97; *Kansas City, M. & B. R. Co. v. Riley*, 68 Miss.

765, 9 So. 443. Others hold that he can, and this seems the better view. *Townsend v. New York Central & H. R. R. Co.*, 56 N. Y. 295; *Skelton v. Lake Shore & M. S. Ry. Co.*, 29 Oh. St. 214. For the passenger is protected by his remedy for the loss of the ticket and the carrier's regulation requiring the production of tickets is justified in view of the impracticability of the conductor's passing upon the validity of excuses. *Bradshaw v. South Boston R. Co.*, 135 Mass. 407. The principal case suggests a modification of the first view based on a Texas statute requiring ticket collectors to wear a badge. It is arguable that delivery to an employee without a distinctive badge is negligence, but it would seem that in the ordinary course of travel a passenger would be justified in giving up his ticket to one in the company's uniform without looking for a badge or ascertaining if the badge were a proper one. The case would appear to set an unwarranted limitation on an undesirable rule.

CONFLICT OF LAWS — REMEDIES: RIGHT OF ACTION — REDRESS FOR TORT COMMITTED UNDER STATUTE OF FOREIGN STATE WHICH FORBADE RECOVERY OUTSIDE THE STATE. — An Alabama statute gave a right of action to workmen injured by reason of any defect of the premises where they were employed. ALA. CODE, § 3190. Section 6115 of the Code provided that actions for such injuries must be brought in a court of Alabama and not elsewhere. The plaintiff, having been injured, recovered against the defendant in Georgia. *Held*, that the recovery in Georgia was not in violation of the due faith and credit clause of the Constitution. *Tennessee Coal, I. & R. R. Co. v. George*, U. S. Sup. Ct., April 13, 1914.

As a general rule, an action for personal injuries is maintainable whenever the court has jurisdiction of the parties. *Dennick v. Railroad Co.*, 103 U. S. 11. See 26 HARV. L. REV. 283, 290. In creating a new right, however, the jurisdiction creating the right may place a special limitation upon it. This limitation affects the right no matter where sued upon. *Pollard v. Bailey*, 20 Wall. (U. S.) 520; *Fourth Nat. Bank v. Francklyn*, 120 U. S. 747. See 18 HARV. L. REV. 220, 221. The creator of the right may limit it even after it has arisen. *Davis v. Mills*, 194 U. S. 451. So in the principal case, Alabama might have made bringing a suit within the state a condition precedent to the existence of any right at all. That this was true of a statute of another state was the view of the minority of the court in *Atchison, T. & S. F. Ry. Co. v. Sowers*, 213 U. S. 55, 71; See criticism of case in 22 HARV. L. REV. 535. But the Alabama statute would seem not to be capable of such an interpretation. Hence the requirement for bringing suit was not a condition precedent to the right, but only a prohibition which the dissenting judges in the case cited admitted could be disregarded. The court's result seems clearly right.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — STATE REGULATION OF SALE OF STOCKS, BONDS AND OTHER SECURITIES. — A statute provided that foreign and domestic investment companies file full data regarding all issues of stocks, bonds and other securities with a Commission, that the Commission was authorized to prohibit a sale if it should find that the sale would in all probability result in loss to the purchaser; and, further, that there should be no sale for thirty days after the data was filed with the Commission. *Held*, that the statute is unconstitutional. *Alabama & New Orleans Transportation Co. v. Doyle* 210 Fed. 173.

For a discussion of the principles involved see NOTES, p. 741.

CONSTITUTIONAL LAW — POWERS OF LEGISLATURE: DELEGATION OF POWERS — VALIDITY OF STATE-WIDE REFERENDUM. — The legislature passed a statute that was to become operative as a law if the majority of the people